725; *Holladay* v. *Patterson,* 5 Ore. 177. An obligation by a common carrier to establish its station at a particular point exclusively is void. *Beasley* v. *Tex. & Pac. R. Co.,* 191 U. S. 492; *Florida C. & P. R. Co.* v. *State,* 31 Fla. 482; *Williamson* v. *Chi. R. I. & P. R. Co.,* 53 Iowa 126. In the principal case, it is considered by the court that the limitation requiring the depot to be constructed back a certain distance from the street is one with which the public has no concern, it being "purely a private matter affecting alone the private rights between the parties to the litigation."

SUNDAY—PUBLIC AMUSEMENTS—"ANY SUCH PLACE OF PUBLIC AMUSEMENT."—Petitioner, a proprietor of a "scenic railway," was convicted under § 6825 of the Revised Codes of Idaho which provides "It shall be unlawful for any person or persons in this state to keep open on Sunday—any theater, playhouse, dance hall, race-track, merry-go-round, circus or show, concert saloon, billiard or pool room, bowling alley, variety hall, or any such place of public amusement." *Held,* a "scenic railway" does not come within the prohibition of the statute and the petitioner must be discharged. *Ex parte Hull* (1910), — Idaho —, 110 Pac. 256.

Questions as to the construction of statutes of this nature containing, as here, the clause "or any such place of public amusement" or in general the clause "or any such—etc., etc." often present more or less difficulty. Many decisions have been based on the argument that a penal statute must be limited in its application to the object which the legislature has in view; that it is necessary to aver a cause within its terms. 2 SUTHERLAND, STATUTORY CONSTRUCTION, p. 987; *Reed* v. *Davis,* 8 Pick. 514; *McDonald* v. *Montana Wood Co.,* 14 Mont. 88, 35 Pac. 668, 43 Am. St. Rep. 616; *Rucker* v. *State,* 67 Miss. 328, 7 South. 223; *Commonwealth* v. *Alexander,* 185 Mass. 551, 70 N. E. 1017. But it is also laid down that the principles of construction and apparent exception to the maxim *"ejusdem generis"* apply as well to criminal statutes as to others. *Maxwell* v. *People,* 158 Ill. 248, 41 N. E. 995; *Gillock* v. *People,* 171 Ill. 307, 49 N. E. 712; 2 SUTHERLAND, STATUTORY CONSTRUCTION, p. 835; *State* v. *Holman,* 3 McCord 306; *State* v. *Fearson,* 2 Md. 310; *City of St. Joseph* v. *Elliott,* 47 Mo. App. 418. While these two views are perhaps not precisely inconsistent it is true that under the second one a greater latitude is allowed as to what a statute of this nature includes. It is possible that under this latter view the principal case would have been decided adversely to the petitioner in spite of the differentiation attempted by the court between the "scenic railway" and the "merry-go-round."

SURETYSHIP—PAYMENT BY COSURETY AFTER STATUTORY PERIOD.—One of the cosureties on a note of an insolvent corporation made several part payments on the note after maturity, but before the expiration of six years, the period of the statute of limitations. Within six years of the last of these payments, but more than six years after maturity, he made another part payment, and now sues to enforce contribution as to this last payment. *Held,* that he can not recover, as his payments did not toll the statute as to the others. *McLin* v. *Harvey* (1910), — Ga. App. —, 69 S. E. 123.

Three distinct doctrines have been enunciated as to this class of cases.